

**COMMONWEALTH OF VIRGINIA**  
**Department of Environmental Quality**  
**Valley Regional Office**

**STATEMENT OF LEGAL AND FACTUAL BASIS**  
**Administrative Permit Amendment**

Merillat LP  
Shenandoah County, Virginia  
Permit No. VRO81062

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, Merillat LP has applied for an administrative amendment to the Title V Operating Permit for its manufacturing wood cabinet components for kitchen and bath cabinets facility in Shenandoah County, Virginia. The Department has reviewed the application and has prepared an amended Title V Operating Permit.

Engineer/Permit Contact:\_\_\_\_\_

Date:

Air Permit Manager:\_\_\_\_\_ Date:

Deputy Regional Director:\_\_\_\_\_

Date:

## INTRODUCTION

In accordance with 9 VAC 5-80-200 of the Virginia Regulations for the Control and Abatement of Air Pollution, Merillat LP has requested an administrative permit amendment to its Title V operating permit for its facility in Shenandoah County, Virginia. Merillat LP has requested that the existing Title V permit be changed to incorporate the changes that were made to its PSD permit dated November 18, 2002 which was amended on February 8, 2006. The proposed changes to Merillat LP's Title V operating permit are considered an administrative amendment to the permit, as defined in 9 VAC 5-80-200.

## REASON FOR AMENDMENT

On February 8, 2006, Merillat LP's PSD permit dated November 18, 2002 was amended to include the following changes. The condition numbers refer to the permit dated November 18, 2002 as amended February 8, 2006:

*Condition 2:* This condition was updated to reflect the current equipment list.

*Condition 17:* The sentence 'Compliance with these limits for BH9 shall also be determined as stated in Conditions 26 and 27' was removed because the stack test (Condition 26 of November 18, 2002 Permit) and the Visible Emission Evaluation (Condition 27 of November 18, 2002 Permit) were completed.

*Conditions 20-27:* These conditions were added to the permit to reflect the new emission controls and the limitations placed on finishing operations. Additions include:

- Particulate emissions from each spray booth (F1) shall be controlled by either dry filters or a combination of water wash and dry filters.
- Particulate emissions from the automatic sealer sander (F1) shall be controlled by a fabric filter baghouse (BH 8).
- VOC emissions from the finishing operations shall be controlled by the use of lower VOC finishes and/or routing VOC emissions from the sealer booth to a RTO.
- The RTO shall maintain a destruction efficiency for VOC emissions of no less than 95% on a mass basis.
- The enclosure to the sealer booth shall have a capture efficiency of 95%.
- The RTO shall maintain a minimum combustion zone temperature equal to higher than that determined during the performance testing required and a residence time of at least 0.9 second.
- The RTO shall be equipped with a device to continuously measure and record the combustion zone temperature.
- The facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time.

*Conditions 28-30 and 32-33:* These conditions were added to the permit to reflect the new operating and emission limits on the wood finishing operations. Additions include:

- The approved fuel for RTO is natural gas.
- A throughput limit of VOC.
- Emission limits from the operation of the finishing equipment for PM, PM-10 and VOC.
- Visible emissions from the RTO exhaust shall not exceed 5% opacity.
- Visible emissions from the finishing operation exhaust shall not exceed 5% opacity.

*Condition 35:* This condition was changed to reflect new record requirements. New records include:

- MSDS or other vendor information showing VOC content, water content, and solids content for each coating material, adhesive, thinner or cleaning solution used. (This language was modified from the previous permit.)
- A monthly and annual material balance including the throughput and emissions of both VOC and PM.
- An average hourly material balance including the throughput and emissions of PM.
- Hours of operation of sealer booth when RTO is in bypass or shutdown.
- Annual throughput of VOC to the finishing line sealer booth.
- Annual throughput of VOC used on areas of the finishing line not controlled by RTO.
- Average combustion temperatures recorded in the RTO.
- Monthly records of any 3-hour period during which the combustion temperature of the RTO was below the average temperature observed during the most recent emission test that demonstrated compliance.

*Condition 37-39:* These conditions were added for initial compliance determination on the RTO.

*Condition 40:* This condition was added for continuing compliance determination on the RTO.

*Condition 42:* The initial notifications were added as requirements for the RTO.

*Condition 43:* The permit invalidation requirements were added for the modification of the finishing line (F1).

Also, the following conditions from the PSD permit dated November 18, 2002 were deleted as described below:

*Condition 20:* This condition was deleted because the 4800 hours per year operating limitation is no longer required.

*Condition 21:* This condition was deleted because the VOC emission limits were included in another condition (Condition 29 of November 18, 2002 Permit as amended February 8, 2006).

*Conditions 26 and 27:* These conditions were deleted because the initial performance tests and visible emission evaluations on the fabric filter (BH9) were already conducted.

*Conditions 29 and 30:* These conditions were deleted because this requirement was already satisfied.

Merillat LP has requested that the existing Title V permit be changed to incorporate the changes described above to its PSD permit.

#### **APPLICABILITY OF 9 VAC 5-80-200**

Merillat LP's proposal meets the specifications for administrative permit amendment under 9 VAC 5-80-200. The changes proposed by Merillat LP are limited to the following criterion, stated in 9 VAC 5-80-200.A.5:

*Incorporation into the permit of the requirements of permits issued under the new source review program when the new source review program meets (i) procedural requirements substantially equivalent to the requirements of 9 VAC 5-80-270 and 9 VAC 5-80-290 that would be applicable to the change if it were subject to review as a permit modification, and (ii) compliance requirements substantially equivalent to those contained in 9 VAC 5-80-110.*

The permit amendment involves incorporation of the requirements of the PSD permit dated November 18, 2002 as amended February 8, 2006. The amended permit was issued following procedural requirements substantially equivalent to the (i) requirements of public participation under 9 VAC 5-80-270, and (ii) requirements regarding permit review by EPA and affected states under 9 VAC 5-80-290. A public notice regarding the amended draft PSD permit was placed in the Northern Virginia Daily, serving the Northern Shenandoah Valley, on December 30, 2005. EPA was sent a copy of the draft PSD permit and notified of the public notice on December 29, 2005. West Virginia, the only affected state, was sent a copy of the public notice on December 30, 2005. All persons on the Title V mailing list were also sent a copy of the public

notice in an e-mail dated December 30, 2005. EPA, West Virginia, and all persons on the Title V mailing list were also notified that the applicable requirements of this proposed PSD permit will be incorporated into the facility's Title V operating permit in accordance with the requirements of 9 VAC 5-80-200. Public comments on the draft PSD permit were accepted from December 30, 2005 to January 29, 2006. The permit dated November 18, 2002 as amended February 8, 2006 contains compliance requirements substantially equivalent to those contained in 9 VAC 5-80-110.

Because the changes proposed by Merillat LP are limited to the criterion listed in 9 VAC 5-80-200 A.5., the change will be processed as an administrative permit amendment.

#### **APPLICABILITY OF 40 CFR 64**

Although the RTO will be subject to Compliance Assurance Monitoring (CAM) requirements, the after control emissions are less than 100 tons per year. Therefore, according to 40 CFR 64.5(b), the CAM plan is not required until renewal of the Title V permit.

#### **CHANGES TO TITLE V OPERATING PERMIT**

The changes made to the existing Title V permit are shown below. Condition and section numbers refer to those in the amended Title V permit.

*All Conditions:* The facility name was changed from Merillat Corporation to Merillat LP.

*Responsible Official and Contact Person:* The responsible official was changed to Darlo Pack and the contact person was changed to Jared Fravel.

*Condition II:* The finishing operations included in the emission units table were updated to reflect the current equipment list, including the addition of the RTO. In order to more closely match the PSD permit, the finishing operations (F1) were combined into one line in the table.

*Condition III.B.1.a:* The formula was corrected to match the formula in Attachment B of the PSD Permit. SH/E should be divided, not multiplied, by  $10^6$ .

*Condition III.C.2.i:* The monthly and annual cumulative emissions of PM and PM-10 shall now be calculated in tons instead of pounds.

*Conditions III.C.3 and IV.A.8:* These conditions were updated to reflect the language in Condition 47 of the PSD permit.

*Condition IV.B.1:* This condition was updated to reflect the language in Condition 14 of the PSD permit.

*Condition IV.C.1.c:* The reference to Condition IV.A.9 was changed to Condition IV.A.8.d because the original reference was incorrect.

*Conditions V.A.1 and V.A.2:* Condition 20 was added as a reference for Condition V.A.1. Condition 21 was added as a reference for Condition V.A.2.

*Conditions V.A.4-V.A.12 and V.A.14:* These conditions were added to the permit to reflect conditions added to the PSD permit.

*Condition V.B.1:* This condition was modified to reflect how the facility should calculate VOC emissions since some of the VOC emissions are now controlled.

*Conditions V.B.4 and V.B.5:* These conditions were added to the permit to reflect conditions added to the PSD permit. Specifically, V.B.4 and V.B.5.g-V.B.5.n were added and V.B.5.a and V.B.5.b were updated.

*Conditions V.C.1-V.C.6:* These conditions were added to the permit to reflect conditions added to the PSD permit.

*Condition V.E.1:* This condition was added to the permit to reflect conditions added to the PSD permit.

*Condition VI.B.2:* The reference in this condition was changed from Condition VI.A.1 to Condition VII.A.1 for accuracy.

*Condition X.J:* This condition, ‘Permit Action for Cause’ in the June 15, 2004 Title V permit was changed to ‘Permit Modification’, the current boilerplate language for this section.

The following conditions in the existing Title V permit have not been included in the amended Title V permit for the reasons provided.

*Condition V.A.3:* This condition was deleted because it was incorporated into V.A.10.

*Condition V.A.4:* This condition was deleted because it was removed from the PSD permit.

*Condition V.A.5:* This condition was deleted because V.A.12 replaced it.

It should also be noted that any references to “11/18/02 Permit” have been updated to read “11/18/02 Permit as amended 2/8/06”. This does not represent a change to any of the underlying applicable requirements except in those conditions noted above. A copy of the November 18, 2002 as amended February 8, 2006 permit has been included as Attachment A. In

addition, the language in the permit has been updated to reflect the new Title V boilerplate language of April 20, 2005.

## **PUBLIC PARTICIPATION**

The public participation requirements of 9 VAC 5-80-270 do not apply to administrative permit amendment. Therefore, a public notice is not required. The notification requirements to EPA and affected states under 9 VAC 5-80-290 do not apply to an administrative permit amendment. However, as described above, the PSD permit dated November 18, 2002 as amended February 8, 2006 was issued following procedural requirements substantially equivalent to the (i) requirements of public participation under 9 VAC 5-80-270, and (ii) requirements regarding permit review by EPA and affected state under 9 VAC 5-80-290.

A copy of the amended permit will be sent to EPA.

## **ATTACHMENT**

**Attachment A – PSD permit dated 11/18/02 as amended 2/8/06**

**ATTACHMENT A**  
**PSD permit**  
**(11/18/02 as amended 2/8/06)**